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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,397	12/05/2003	Joseph Szuba	60,576-005	8903
27305	7590	03/02/2005	EXAMINER	
HOWARD & HOWARD ATTORNEYS, P.C. THE PINEHURST OFFICE CENTER, SUITE #101 39400 WOODWARD AVENUE BLOOMFIELD HILLS, MI 48304-5151			WRIGHT, DIRK	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

	Application No.	Applicant(s)
	10/729,397	SZUBA, JOSEPH
Examiner	Art Unit	
Dirk Wright	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 27-31 is/are allowed.  
 6) Claim(s) 1,8-12 and 15-26 is/are rejected.  
 7) Claim(s) 2-7,13 and 14 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12052003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

*Claims Rejected*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8-12, 15, 17-19, 21, 23, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Victoria '277. Victoria shows a housing 106, a lid 104, receptors 170, splines 154, 156, a ring gear 120side gears 136, 138, a bevel planet pinion 130, and holes 174. Victoria discusses spin forming in column 6, and laser welding column 4, line 64 and column 7, line 3. The details of the spin forming process are found in the two patents incorporated by reference in column 6.

Claim 16 is rejected under 35 U.S.C. 103 as being unpatentable over Victoria '277. Victoria doesn't apparently discuss die forming the lid 104, but it would have been obvious to one of ordinary skill in this art to do so because the lid is more shallow and therefore more amendable to that process.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-26 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 16-26 depend from claim 13, which is not a method claim. It appears that applicant intended that these claims depend from claim 15 instead.

***Subject Matter Allowable***

Claims 2-7, 13, and 14 are objected to as containing allowable subject matter but dependent upon a rejected independent claim. These claims would be allowable if they were re-written in independent form including all of the limitations of the independent claim and any intervening claims. The subject matter is allowable because the prior art does not anticipate nor render obvious the invention of a differential assembly according to claim 1 with the additional limitation of either an ingress comprising a beveled edge, or an ingress defining a slot, or a receptor defining a flange, or wherein the annular wall has a first and a second thickness, the receptors being disposed in the thicker second thickness, or where the annular wall includes a scoop for funneling fluid into the enclosure.

***Claims Allowed***

Claims 27-31 are allowable over the prior art of record. The claims are allowable because the prior art does not anticipate nor render obvious the invention of a differential assembly comprising a housing portion with an annular wall, a lid fixed to an open end of the housing, a gear assembly including two side gears and at least one bevel planet pinion, the annular wall having receptors for receiving a shaft, and a scoop formed in the annular wall for providing an inlet for lubrication.

***Prior Art Discussed***

The examiner has considered the references cited by applicant in his Information Disclosure Statement filed December 5, 2003 and July 7, 2004. Only the applied Victoria patents appear to be pertinent.

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The references cited by the examiner are deemed pertinent to applicant's disclosure.

Stehle '423 shows a differential housing formed from bent sheet metal with housing, a lid and a ring gear all welded together, but does not show receptor as defined in the claims. Homan '844 shows fins 65 and 75 formed in the housing 10 for scooping up lubricant into the differential, but does not show a bevel gear differential or receptors as defined in the claims.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dirk Wright whose telephone number is 703-308-2160. The examiner can normally be reached on Monday through Friday, 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dirk Wright  
Primary Examiner  
Art Unit 3681

DW  
Saturday, February 26, 2005

